**HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE**

**AND**

**HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY**

**Writ Petition No.15330 of 1997**

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**Between:**

B.Shankaraiah

**……Petitioner**

**And**

Government of Andhra Pradesh,
Rep., by its Chief Secretary,
Secretariat Buildings,
Hyderabad and three others

**……Respondents**

**:: ORDER ::**

Counsel for the Petitioner : Shri T.Jagadish

Counsel for Respondent Nos.1 to 3 : Government Pleader for Revenue

**November 08, 2006**

**Per G.S. SINGHVI, CJ**

In this petition, filed in the name of public interest litigation, the petitioner, who is a practicing advocate, has prayed as under:

> "(i) that this Hon'ble Court may be pleased to declare the attempt and the acts of the Andhra Pradesh State Legislative Assembly in amending the Indian Stamp Act from time to time with regard to subjects and entries falling within the meaning of the items covered by Entry-91 of List-I of the Seventh Schedule to the Constitution of India as bad, unconstitutional and without jurisdiction and ultra-vires the Legislative competence and further declare that consequentially or otherwise the attempt of the Revenue Authorities (Respondents) to collect the Stamp duty as regards items like Power of Attorney by making amendments to the Indian Stamp Act, 1899 may be held and declared untra-vires their powers, violative of Article 254 and 265 of the Constitution of India and as such without authority of law, and ….."

We have heard Shri T.Jagadish and the learned Government Pleader for Revenue. In our opinion, the writ petition is liable to be dismissed, because it is settled law that the Court will not pronounce on the constitutionality or vires of a statute or subordinate legislation in a public interest litigation – **Guruvayoor Devaswom Managing Committee v. C.K. Rajan**[1].

For the reason aforesaid, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP No.18570 of 1997 filed by the petitioner for interim relief is also dismissed.

**G.S.SINGHVI, CJ**

**C.V.NAGARJUNA REDDY, J**

08-11-2006

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[1] (2003) 7 SCC 546